

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A 5' DRAINAGE/UTILITY EASEMENT ON EACH SIDE OF THE COMMON PROPERTY LINE BETWEEN LOTS 7 and 8, DEVIL'S ELBOW PHASE 1, HANCOCK COUNTY LOCATED WITHIN THE CITY

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently has a 5' drainage/utility easement on each side of the common property line between Lots 7 and 8, Devil's Elbow Phase 1, (see attached survey from Duke Levy as Exhibit A).
2. Donald G. Geier is the owner of Lots 7 and 8, Devil's Elbow Phase 1. The parcel number is 068Q-2-41-009.000. The physical street address is 7 Devil's Elbow.
3. Further, the City hereby abandons and/or vacates the drainage/utility easements for the full width and length as petitioned except for the front and rear drainage and utility easement. These drainage/utility easements are 5' drainage and utility easements on each side of the common property line between Lots 7 and 8, Devil's Elbow Phase 1.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 7 and 8 described in bullet #3. The Diamondhead Public Works, Diamondhead Water & Sewer and CEPA do not have any objections.

SECTION 2. It is agreed and understood that Donald G. Geier or his representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Councilmember Finley, seconded by Councilmember Clark and the question being put to a roll call vote, the result was as follows:

Resolution 2021-004
Agenda Item 2021-035

	Aye	Nay	Absent
Councilmember Finley	✓	—	—
Councilmember Moran	✓	—	—
Councilmember Morgan	✓	—	—
Councilmember Clarke	✓	—	—
Councilmember L'Ecuyer	✓	—	—
Mayor Depreo	✓	—	—

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the 2nd day of February, 2021.

Nancy Depreo
MAYOR

ATTEST:

Minnie S. Klein
CITY CLERK



Hancock County
I certify this instrument was filed on
02-05-2021 04:00:38 PM
and recorded in Deed Book
2021 at pages 1808 - 1809
Timothy A Kellar



TKR

*** Certified Copy Page ***

I, Timothy A Kellar, Chancery Clerk, do hereby certify that the foregoing is a FULL, TRUE and CORRECT copy of the Instruments(s) herewith set out as same appears of record in: Deed BOOK - 2021, AT PAGE - 1808 in said court.

Witness my hand and seal this 5 Day of February, 2021.

Timothy A Kellar
Chancery Clerk
Hancock County, MS

DC: _____

